

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter Of)	
)	
Universal Service Reform)	WT Docket No. 10-208
)	
Mobility Fund)	
)	

REPLY COMMENTS OF THE GREENLINING INSTITUTE

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January 18, 2011

COMMENTS

I. INTRODUCTION.

On October 14, 2010, the Federal Communications Commission (“FCC” or the “Commission”) adopted a Notice of Proposed Rulemaking which proposed the creation of a Mobility Fund to support the deployment of advanced wireless infrastructure in rural and underserved communities.¹ The NPRM established that Comments and Reply Comments were due 45 and 75 days after publication in the Federal Register.² A summary of the Mobility Fund appeared in the Federal Register on November 1, 2010.³ The Greenlining Institute (“Greenlining”) filed opening comments on December 17, 2010.⁴ Reply Comments are due January 18, 2011. In accordance with the NPRM and the Commission’s Rules,⁵ the Greenlining Institute hereby files these Reply Comments.

Greenlining is a non-profit organization dedicated to empowering communities of color and other disadvantaged groups such as rural and low-income communities. For disadvantaged and underserved communities, broadband serves as a catalyst for “significant economic, cultural and social transformation, overcoming distance and transcending the limitations of one’s physical surroundings.”⁶ Access to connectivity at speeds comparable to that experienced by urban Americans is a necessary tool in the effort to ensure that rural citizens and small businesses are not bypassed by the current economic recovery. Without broadband, which is

¹ In the Matter of Universal Service Reform – Mobility Fund, WT-Docket No. 10-208, *Notice of Proposed Rulemaking*, FCC 10-182 (Oct. 14, 2010) (*hereinafter* “NPRM”).

² *Id.* at 1.

³ Universal Service Reform Mobility Fund, 75 Fed. Reg. 67060 (Nov. 1, 2010). A supplement to that Summary, which includes the proposed amendments to 47 CFR parts 0, 1, and 54, was published separately on November 12, 2010. Supplement to Universal Service Reform Mobility Fund, 57 Fed. Reg. 69374 (Nov. 12, 2010).

⁴ Comments of the Greenlining Institute (December 17, 2010).

⁵ FCC Rules of Practice and Procedure, 47 CFR §§ 1.415 and 1.419 (2009).

⁶ *The National Broadband Plan* at 129 [*hereinafter* “NBP”].

increasingly recognized as essential to modern life, rural citizens will continue to forego the benefits of “increased earning potential, enhanced connections with friends and family, improved health, and a superior education.”⁷

The Commission recognizes that the deployment of wireless infrastructure may be the most efficient way to achieve the NBP’s goal of reaching those communicates that still lack access to broadband. Greenlining commends the Commission for prioritizing the needs of these too often ignored Americans through the proposed Mobility Fund.

In opening comments, Greenlining provided recommendations that will ensure the Mobility Fund is appropriately structured and implemented, and that will enable the Commission to channel its support to those areas with the greatest need. Greenlining remains supportive of the overall size and purpose of the Mobility Fund, and disagrees with some parties that the Mobility Fund is unnecessary and wasteful. On the contrary, if the targeted rollout of 4G service is supported, the Mobility Fund can be an effective mechanism for making sure that unserved areas have broadband access comparable to that available in urban markets. Lastly, Greenlining remains skeptical of the proposed use of American Roamer mapping data and instead advocates for the use of data collected pursuant to the American Recovery And Reinvestment Act of 2009 (Public Law No. 111-5) (ARRA).

⁷ *Id.*

II. THE PROPOSED MOBILITY FUND SERVES A UNIQUE TARGETED PURPOSE AND IS NOT DUPLICATIVE OF THE CONNECT AMERICA FUND.

In the Commission's NPRM, comment was sought on the creation of a Mobility Fund to provide one-time support in the form of an initial infusion of funds designed to bridge the gap in current- and next-generation mobile services in areas where these services remain unavailable.⁸ Greenlining supports this goal and is concerned that this gap will persist should, as some parties suggest, the Commission decide that the Mobility Fund is unnecessary and duplicative of the Connect America Fund (CAF).

In its comments on the NPRM, the California Public Utilities Commission (CPUC) argues that the funds which the FCC proposes to allocate to the Mobility Fund should instead be deposited into the CAF, to be used for the rollout of broadband generally.⁹ While generally sympathetic to many of the concerns raised by the CPUC, Greenlining recognizes the unique value the Mobility Fund brings to universal service reform. Rather than detract from the laudable goals of the CAF, the Mobility Fund augments the CAF and prioritizes the rollout of wireless infrastructure in the hardest to serve areas.

Unlike the CAF, which is designed to address the broadband gap more broadly, both for terrestrial and wireless services, the Mobility Fund is specifically targeted to address the lack of mobile broadband deployment in areas that materially lag behind the rest of the country. Also unlike the CAF, the Mobility Fund would be of limited duration. The CAF will be funded primarily through the gradual transition of federal universal service high cost support away from

⁸ *Id.* at 4.

⁹ Comments of The California Public Utilities Commission (December 17, 2010) at 6 [hereinafter "CPUC Comments"].

the legacy circuit-switched networks to broadband networks. The Mobility Fund, on the other hand, will provide a much-needed injection of funds in the short term.

Given the significant gap in terrestrial broadband deployment, and the fact that 98% of the population of the United States is covered by 3G technology,¹⁰ Greenlining is concerned that the unique needs of these most remote communities will remain last priority under broader-scale measures like the CAF. This last 2% of the country that is unserved is likely to remain so if the CAF is the only avenue through which resources flow. The CAF also uses a reverse auction mechanism, which results in areas that are easier to reach and thus more economically viable to serve being connected before areas that are more costly to serve. The difference is that the availability gap the CAF seeks to address is much larger. Without the kind of precise targeting the Mobility Fund proposes, these hardest to serve areas are likely to be the last ones connected even under the CAF, for the very reason that they provide the least “bang for your buck.” These communities should not have to wait until the last efforts of the CAF to reap the substantial benefits that accompany mobile broadband access.

Increasingly, low-income, rural, and of color communities are finding that mobile broadband is the platform through which economic and social advancement occurs. As recognized in the National Broadband Plan, digital exclusion compounds inequities for historically marginalized groups.¹¹ For many low-income and minority groups, mobile broadband - today’s fastest-growing broadband platform¹² - provides access and opportunity

¹⁰ NBP at 146.

¹¹ *Id.* at 129.

¹² See Comments of CTIA (December 16, 2010) at 3, citing AARON SMITH, PEW INTERNET & AMERICAN LIFE PROJECT, MOBILE ACCESS 2010 at 9 (July 7, 2010) (“Pew Mobile Access 2010 Report”), *available at* <http://www.pewinternet.org/Reports/2010/Mobile-Access-2010.aspx>.

where none would otherwise be available.¹³ For this reason, this one-time infusion of funds is crucial to providing broadband access, mobile or otherwise, to those most in need.

a. The Mobility Fund Should Support 4G Service, Consistent with the National Broadband Plan.

The NPRM proposes to require service quality “comparable or superior to those provided by networks using HSPA or EV-DO, which are commonly available 3G technologies.”¹⁴ The Commission seeks comment on this proposal and whether networks should be required instead to provide data rates comparable to 4G networks.¹⁵ As stated in Greenlining’s Opening Comments, the Mobility Fund should mandate 4G levels of service because it is the future of wireless communication and is comparable to wired broadband.¹⁶

The CPUC also questions the wisdom of providing public funding to “help deploy a service that does not meet the NBP’s universalization target of 4Mbps of actual download speed and 1 Mbps of actual upload speed.”¹⁷ Greenlining shares these concerns but instead comes to a different conclusion. Instead of subsuming the Mobility Fund within the CAF, the FCC should require that the Mobility Fund only be available to those carriers capable of providing 4G service, or in instances where the rollout of 3G service in high-cost areas actually sufficiently improves the business case for 4G. With the rapid deployment of 4G in urban areas across the country, it is arguable that 3G is already obsolete and that 4G is the current standard. Greenlining agrees that it is inefficient to support, as an end in itself, a technology that fails to meet the NBP’s universalization targets, and submits that the unserved areas in question would be better served if the FCC required a path to 4G.

¹³ *Id.* at 4-5.

¹⁴ *Id.* at 13.

¹⁵ *Id.* at 14.

¹⁶ Greenlining Comments at 6.

¹⁷ CPUC Comments at 7.

Greenlining agrees with NASUCA that at the very least bidders should be required to demonstrate that they have a clear plan for and are capable of achieving 4G within a reasonable timeframe.¹⁸ As noted by Metro PCS, 4G is a more efficient use of USF dollars because the capacity and speeds of 4G networks are competitive with wireline service.¹⁹ This is particularly the case in rural markets where 4G holds great promise in closing the availability gap as a result of the prohibitive cost of wireline deployment.

For the above reasons, Greenlining implores the Commission to make a long term investment in the Mobility Fund's target communities by requiring that awards be used to roll out 4th generation service.

III. THE COMMISSION SHOULD NOT USE AMERICAN ROAMER DATA TO IDENTIFY UNSERVED AREAS.

The NPRM proposed to identify unserved areas on a census block basis using American Roamer data.²⁰ The NPRM proposes to use the "American Roamer data identifying the geographic coverage of networks using EV-DO, EV-DO Rev A, and UMTS/HSPA as a measure of availability of current-generation mobile wireless services."²¹ The Commission sought comment on its proposed use of American Roamer data to determine areas unserved by current-generation mobile wireless services.²² As stated in Greenlining's Opening Comments, American Roamer data is not an appropriate measure of availability of mobile wireless services for purposes of the Mobility Fund.²³ As suggested by the CPUC, it would be a more efficient use of resources to make use of the NTIA's ARRA mandated "comprehensive, interactive, and

¹⁸ Comments of the National Association of State Utility Consumer Advocates (December 17, 2010) at 8.

¹⁹ See Comments of MetroPCS Communications, Inc. (December 17,2010) at 6-7.

²⁰ *Id.* at 9.

²¹ *Id.*

²² *Id.*

²³ Greenlining Comments at 3.

searchable nationwide inventory map of existing broadband service capability and availability.”²⁴ American Roamer data is primarily used to provide companies market data in order to maximize profits,²⁵ while NTIA’s data is collected for purposes consistent with the intent of Commission in this rulemaking – an assessment of unconnected and underconnected areas of the country unbiased by the potential cost of deployment to these areas. It is not clear whether the cost of collecting the American Roamer data would come from the \$100-300 million proposed by the NPRM, but what is clear is that these funds are limited. Thus, in terms of both cost and purpose, it serves the public interest to make use of the data already collected pursuant to ARRA.

²⁴ See CPUC Comments at 12, citing Broadband Technology Opportunities Program (BTOP) Quarterly Program Status Report, National Telecommunications and Information Administration, U.S. Department Of Commerce, November 2010, at pp. 7-8.

²⁵ See, e.g., American Roamer Homepage, <http://www.americanroamer.com/> (last visited Dec. 16, 2010) (“American Roamer’s unique spatial database is designed to help clients manage constantly changing technology and market data that affects their bottom lines.”).

CONCLUSION

Greenlining encourages the Commission to proceed with the implementation of the Mobility Fund. In doing so, the Commission would advance the goals of the National Broadband Plan and ensure that underserved communities reap the benefits that accompany broadband accessibility. This near-term public investment in private infrastructure will provide the kind of equality of opportunity that would be absent were we to wait until the CAF catches up.

Additionally, the public interest would be better served by a Mobility Fund which supports service levels consistent with the goals of the NBP. 4G is arguably the current standard of wireless voice and more importantly wireless data service. By building out a robust 4G network, hard to reach communities will not only benefit from improved wireless voice communications but will be able to access the internet at speeds comparable to wired broadband, an outcome consistent with the universal service goals of the NBP.

Finally, the Commission should ensure that the data used to inform the deployment of these scarce resources is collected in a manner and for a purpose consistent with the goal of universal service. As a result, the Commission should not purchase American Roamer data but instead should rely upon ARRA mandated mapping data.